

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AIR NOW, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:11CV671 TIA
)	
CINCINNATI CASUALTY COMPANY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motions to Compel Response to Plaintiff's Request for Production of Documents (Docket No. 27) and Answers to Plaintiff's Interrogatories (Docket No. 28). Defendant filed a Response (Docket No. 34) thereto. Plaintiff did not file a reply and the time to do so has passed, so the motion is ready for ruling. All matters are pending before the undersigned United States Magistrate Judge, with the consent of the parties, pursuant to 28 U.S.C. § 636(c).

As noted by Defendant, Plaintiff's Motions fail to comply with Local Rule 3.04(A). Any motion relating to discovery or disclosure, such as a motion to compel, must comply with Local Rule 3.04(A) and Fed. R. Civ. P. 37(a)(1). These rules require that a discovery or disclosure-related motion must include a statement of a good-faith attempt to resolve the discovery dispute prior to the filing of the motion. Local Rule 3.04(A) provides:

The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

E.D. Mo. L.R. 3.04(A).

The instant motions fail to include evidence of Plaintiff's good-faith effort to resolve the dispute prior to filing the motions as required by these rules and thus will be summarily denied.

IT IS HEREBY ORDERED that Plaintiff's Motions to Compel Response to Plaintiff's Request for Production of Documents (Docket No. 27) and Answers to Plaintiff's Interrogatories (Docket No. 28) are DENIED without prejudice.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE

Dated this 14th day of December, 2011.